

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESUS VALDEZ MARTINEZ, JR.,

Defendant.

CR 21-06-BLG-DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on April 8, 2021. (Doc. 23.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that this Court accept Defendant Jesus Valdez Martinez Jr.’s guilty pleas after Martinez appeared before him pursuant to Rule 11

of the Federal Rules of Criminal Procedure, and entered a guilty plea to one count of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) (Count II), and one count of being a prohibited person in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (Count IV), as set forth in the Indictment. (Doc. 23 at 1.)

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 23), and I adopt them in full.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation (Doc. 23) is ADOPTED in full.

IT IS FURTHER ORDERED that Martinez's motion to change plea (Doc. 15) is GRANTED and Martinez is adjudged guilty as charged in Counts II and IV of the Indictment.

DATED this 23rd day of April, 2021.



Dana L. Christensen, District Judge
United States District Court